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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,722	05/22/2002	Andrea Zisman	08364.0031	5975

7590

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EXAMINER

AMSBURY, WAYNE P

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/009,722	ZISMAN ET AL.	
	Examiner	Art Unit	
	Wayne Amsbury	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 4-14 and 22-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 4-14 AND 22-46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/17/01</u> . | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1-46 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A data carrier in the form of an electrical signal does not constitute a tangible embodiment of an apparatus in the form of a computer program and thus does not fall within the four classes of statutory inventions as specified by 35 U.S.C. 101.

2. Claims 4-14 and 22-44 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 4 and 20. See MPEP § 608.01(n). Accordingly, the claims 4-14 and 202-44 not been further treated on the merits.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 45-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitations of these claims are specified to be: "*with reference to any of the accompanying drawings.*" This is indefinite to the extent that these claims cannot be examined.

4. This leaves claims 1-3, 15-18 and 19-21 to be examined on their merits.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 15-18 and 19-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Nochur et al (Nochur), US 5,835,758, 10 November 1998.

Nochur is directed to representing items, links, maps, cases and other computer-domains [COL 3 lines 18-36], concerning which the user may define various rules [COL 3 lines 32-36]. These are structured as documents called maps [COL 3 lines 37-62].

As to claim 1, the links between maps is analyzed based on various rules, conditions, and heuristics [COL 9 lines 13-16], and this information is stored, transferred, and received [COL 9 lines 16-22]. The data within the documents is identified with respect to whether it does or does not fulfill the requirements of a formal set of consistency relationships [COL 9 lines 24-28].

The steps of the preamble are carried out as follows:

inputting a set of one or more structured documents containing data [COL 3 lines 37-62];

storing a set of one or more consistency rules, each of said consistency rules defining a relationship which may be fulfilled by data within structured documents having pre-defined structures [COL 3 lines 53-62, where Nochur provides examples of structured documents such as spreadsheets and other classes of document];

processing said structured documents and said consistency rules to generate said consistency link data, identifying within said set of structured documents, data which does or does not fulfill said relationships defined by said set of consistency rule [COL 3 lines 18-22, COL 3 lines 47-49, Col 3 line 63-COL 4 line 9, COL 9 lines 13-32]. It should be noted that the formality of the consistency relationships is specified in a number of places, in particular at COL 9 lines 13-16, where completeness, correctness, and consistency are based in least in part on rules and conditions.

As to **claims 2-3**, the identification of the presence or absence of items and links between items corresponds to consistency link data that does fulfill relationships and also consistency link data which does not fulfill relationships.

As to claims 15-18 and 19-21, the elements of these claims are rejected in the analysis above and these claims are rejected on that basis.

In particular, Nochur clearly teaches the use of an apparatus as set forth in claims 19-21 [FIG 1-9; COL 6 lines 59-65 and elsewhere]. As to the generation of

Art Unit: 2161

consistency link data as set forth in claims 15-18, see FIG 6-9 and COL 6 line 66 and after, where the visual interface manager is described.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER